

NEW YORK TIMES
4 December 1984ARTICLE APPEARED
ON PAGE B-22 Westmoreland Testifies
Johnson Wanted Data

J

By M. A. FARBER

Gen. William C. Westmoreland denied yesterday that his superiors directly "pressured" him in 1967 to show that the war in Vietnam was being won, but he said President Johnson wanted "hard facts" illustrating such progress.

He also said, under cross-examination during his libel suit against CBS in Federal District Court in Manhattan, that he disagreed with or couldn't recall reading a number of books and newspaper and magazine articles that criticized his performance as commander of American forces in Vietnam between 1964 and 1968.

As the general's testimony nears a close, lawyers for CBS are trying to demonstrate that, whatever the network said about him on the 1982 CBS Reports documentary that prompted his \$120 million suit, General Westmoreland's reputation was already so tarnished that he cannot now claim damages.

Yesterday, David Boies, the principal lawyer for CBS, asked the general whether he was aware in 1967 of any pressure or request from his "chain of command, from the Joint Chiefs, the Secretary of Defense, up to the White House, to show progress in winning the war."

'Unaware of Any Pressure'

"I was unaware of any pressure," the witness told Mr. Boies. "I would have resented pressure in that regard. But I was aware, primarily through the Ambassador in Saigon, that Mr. Johnson and his Administration were convinced that we were making substantial progress in Vietnam and he wanted to get hard facts so that that progress would be recognized."

"But it didn't come to me directly," General Westmoreland said. "It was through the Ambassador, who was in touch with the State Department and the White House. They thought credit should be given where credit was due." The United States Ambassador to South Vietnam at that time was Ellsworth Bunker.

Mr. Boies had the general read an exchange from his pre-trial deposition, in which he had been asked the following:

Q. So, it's your testimony that you never got the word or the "impression" — the term that you've used a number of times before — that the President wanted, as you put it, to

present evidence that you were winning the war. Never got that impression?

A. I never got that impression. Now others may have, but I tried to stay out of the political channel. I mean, after all, there was an Ambassador in Saigon."

"Do you have any reason to change that testimony now?" Mr. Boies asked yesterday.

"I do not," said General Westmoreland.

General Westmoreland contends in his suit that the CBS documentary, "The Uncounted Enemy: A Vietnam Deception," defamed him by saying that he had deceived the President and the Joint Chiefs about the size and nature of enemy forces in Vietnam in the year before the Tet offensive of 1968. CBS argues that the broadcast was true.

The documentary said, as part of an effort to show that the United States and its allies were winning the war, that General Westmoreland imposed an "arbitrary ceiling" of 300,000 on reports of enemy size and deleted the Vietcong's self-defense units from the official listing of military strength known as the order of battle.

The general reiterated yesterday that he did not set any limit on enemy strength reports.

"To impose a ceiling that would disregard intelligence that contravenes such a ceiling would definitely be improper," he said. "Certainly, there was no ceiling. I couldn't have cared less whether there was a few more of this or a few less of that."

Removal of Units Defended

Earlier, he had said that he removed the part-time, hamlet-based self-defense units from the order of battle in 1967 because they had no offensive military capability and because the release of new data indicating these forces had been considerably underestimated in the past would have suggested that the strength of the enemy's real "fighters" was greater than he believed it was.

The general said yesterday that he "felt very strongly" that the higher statistics on the self-defense forces "could be and probably would be misunderstood by people unfamiliar with intelligence and the components of the order of battle."

Q. Did those people include your chain of command?

A. Well, it didn't include Admiral Sharp, because he was at the briefing [on the figures]. It could have been misunderstood, but only temporarily, by the chairman of the Joint Chiefs, who did not follow such detail. But it would have been explained to him.

Adm. Ulysses S. Grant Sharp, the commander of American forces in the Pacific, was General Westmoreland's immediate military superior.

When Mr. Boies asked General Westmoreland whether his military and civilian superiors were interested only in "evidence of hard, honest facts," the general replied:

"Well, they certainly weren't looking for anything else."

Q. And you knew that, sir?

A. Well, sure.

Although General Westmoreland said he could not recall mentioning to his superiors the "political and public relations" problem posed by the higher estimates for the self-defense forces, he conceded that it was a "concern" in Washington and elsewhere.

Through a variety of materials published in 1967 and afterward, Mr. Boies sought to show that General Westmoreland's optimism about the course of the war before the Tet offensive was at best misplaced and at worst intentionally deceptive.

For example, Mr. Boies introduced excerpts from a 1976 book by Nguyen Cao Ky, who was Vice President of South Vietnam in late 1967, that said the general "must have known all about the strength of the impending attack" that became the 1968 Tet offensive.

"I am convinced the White House did not, but that was for a very good reason," Mr. Ky wrote. "It was clear that some of the American leaders in Saigon deliberately issued a string of lies to the White House, in an effort to maintain the impression that the Americans were getting on top of the Vietcong."

Mr. Ky said it took some years before "this squalid deception" was uncovered by Samuel A. Adams, a former analyst for the Central Intelligence Agency.

Mr. Adams, who later became a paid consultant to CBS on its documentary

Continued

2.

and is now a defendant in this case, also figured in some of the other materials cited yesterday, as well as last Thursday, by Mr. Boies.

Among these was a 1976 report of a House Select Committee on Intelligence, which examined the Vietnam order of battle dispute after Mr. Adams wrote an article about it in Harper's magazine in 1975. Mr. Adams was a major witness during the hearings that year, and his remarks were featured prominently in various articles Mr. Boies introduced yesterday.

The committee, headed by Otis G. Pike, Democrat of Suffolk County, found that the dispute over enemy strength figures in Vietnam in 1967 "created false perceptions of the enemy U.S. forces faced, and prevented measurement of changes over time. Second, pressure from policy-making officials to produce positive intelligence indicators re-inforced erroneous assessments of allied progress and enemy capabilities."

The committee also said that, in retrospect, enemy "irregular" forces, including self-defense units that set some mines and booby traps, were "increasingly responsible" for American casualties before the Tet offensive.

General Westmoreland said yesterday that he was not called to testify before the committee.



The New York Times/Marilyn Church

Gen. William C. Westmoreland answering a question during cross-examination yesterday by David Boies, the principal lawyer for CBS.